

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JEFFREY A. BARNES,

Petitioner,

-against-

THE PEOPLE OF THE STATE  
OF NEW YORK,

Respondent.  
-----X

JUDGMENT  
05-CV- 3423 (NGG)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 19 2005 ★

BROOKLYN OFFICE

A Memorandum and Order of Honorable Nicholas G. Garaufis, United States District Judge, having been filed on October 3, 2005, denying petitioner's request for equitable tolling of the AEDPA's one-year statute of limitations; dismissing petitioner's petition for a writ of *habeas corpus* as time-barred; certifying pursuant to 28 U.S.C. § 1915 (a)(3) that any appeal from the Court's Memorandum and Order would not be taken in good faith; and denying *in forma pauperis* status for purpose of an appeal; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondent; that petitioner's request for equitable tolling of the AEDPA's one-year statute of limitations is denied; that petitioner's petition for a writ of *habeas corpus* is dismissed as time-barred; that pursuant to 28 U.S.C. § 1915(a)(3) any appeal from the Court's Memorandum and Order would not be taken in good faith; and that *in forma pauperis* status is denied for purpose of an appeal.

Dated: Brooklyn, New York  
October 18, 2005

/signed/

ROBERT C. HEINEMANN  
Clerk of Court